

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

In re:

**SAVTIRA CORPORATION
a/k/a Savtira Corporation of Delaware,**

**Case No.: 8:12-bk-06471-CPM
Chapter 7**

Debtor.

_____ /

**DOUGLAS N. MENCHISE, as
Chapter 7 Trustee for Savtira Corporation,**

Plaintiff.

Adv. Pro. No. 14-ap-00985-CPM

v.

TIMOTHY MUNRO ROBERTS,

Defendant,

_____ /

MOTION FOR CLERK’S DEFAULT

Plaintiff, Douglas N. Menchise, as Chapter 7 Trustee for Savtira Corporation (“Trustee”), by and through his undersigned counsel and pursuant to Rule 55 of the Federal Rules of Civil Procedure, Rule 7055 of the Federal Rules of Bankruptcy Procedure, and Local Bankruptcy Rule 7055-2, hereby moves for entry of a Clerk’s Default against Defendant, Timothy Munro Roberts (“Roberts”), and states:

1. On October 31, 2014, the Trustee filed his Complaint against Roberts, initiating the above-referenced adversary proceeding.

2. On November 12, 2014, the undersigned counsel for the Trustee served the Complaint and Summons on Roberts, via U.S. Mail and pursuant to Rule 7704(b)(1), at his usual place of abode.

3. The undersigned determined Roberts's address or usual place of abode to be 1461 Sycamore Manor Drive, Chesterfield, Missouri 63017, by conducting an Accurint search through Lexis-Nexis.

4. Roberts's response to the Complaint was due on or before December 1, 2014.

5. To date, Roberts has failed to file or serve any response to the Complaint or file any other paper in this case.

6. No extension of time was sought by Roberts.

7. Roberts is not in the military service.

8. Roberts is not an infant or incompetent person.

WHEREFORE, the Trustee respectfully requests the Clerk enter a default with respect to Timothy Munro Roberts for his failure to file and serve a response to the Complaint as required by law.

SHUMAKER, LOOP & KENDRICK, LLP

/s/ Hugo S. deBeaubien

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Counsel for the Chapter 7 Trustee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 22, 2014, a true and correct copy of the foregoing has been furnished by U.S. Mail on to the following: **Timothy Roberts**, 1461 Sycamore Manor Drive, Chesterfield, MO 63017.

/s/ Hugo S. deBeaubien

ATTORNEY